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Attorneys for Plaintiffs  
 JAREK MOLSKI  
 and DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION  
 SERVICES: HELPING YOU  
 HELP OTHERS

UNITED STATES DISTRICT COURT

**\*E-FILED - 10/21/05\***

NORTHERN DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual; and  
 DISABILITY RIGHTS ENFORCEMENT,  
 EDUCATION SERVICES:HELPING  
 YOU HELP OTHERS, a California public  
 benefit corporation,

Plaintiffs,

v.

KING & I INVESTMENT GROUP, a  
 California corporation and DELORES M.  
 WEST and ELAINE C. WEST,  
 individually and as trustees of the  
 WILLIAM M. & DELORES M. WEST  
 REVOCABLE TRUST,

Defendants.

**CASE NO. C04-1943 RMW**

**STIPULATION OF DISMISSAL  
 AND ORDER**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement"), each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

This stipulation may be executed in counterparts, all of which together shall constitute one original document.

DATED: October 12, 2005

*THOMAS E. FRANKOVICH,  
A PROFESSIONAL LAW CORPORATION*

By: /s/ JESSICA A. DAYTON  
Attorneys for Plaintiffs JAREK MOLSKI and  
DISABILITY RIGHTS ENFORCEMENT,  
EDUCATION SERVICES: HELPING YOU HELP  
OTHERS

DATED: October 12, 2005

*HINKLE, JACHIMOWICZ, POINTER & MAYRON  
ATTORNEYS AT LAW*

By: /s/ GERALD A. EMANUEL  
Attorneys for Defendants KING & I  
INVESTMENT GROUP, a California corporation

DATED: October 13, 2005

*BERLINER COHEN  
ATTORNEYS AT LAW*

By: /s/ LAURA A. PALAZZOLO  
Attorneys for Defendants DELORES M. WEST and  
ELAINE C. WEST, individually and as trustees of  
the WILLIAM M. & DELORES M. WEST  
REVOCABLE TRUST

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**ORDER**

IT IS HEREBY ORDERED that matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General Release should such enforcement be necessary.

DATED: 10/21, 2005

/S/ RONALD M. WHYTE

HON. RONALD M. WHYTE  
United States District Court Judge